

04/17/01
JCS95 U.S. PTO

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Please type a plus sign (+) inside this box [+]

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL
(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 005158.P007X
(maximum 12 characters)

First Named Inventor Xiaodong Li, et al

Title: MULTI-CARRIER COMMUNICATIONS WITH ADAPTIVE CLUSTER CONFIGURATION AND SWITCHING

Express Mail Label No. EL371006821US

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, D. C. 20231

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. Applicant Claims Small Entity Status. (37 CFR 1.27)
3. Specification (Total Pages 62)
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference sequence listing, a table,
or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawings(s) (35 USC 113) (Total Sheets 7)
5. Oath or Declaration (Total Pages 5)
 - a. Newly Executed (Original or Copy)
 - b. Copy from a Prior Application (37 CFR 1.63(d))
(for Continuation/Divisional with Box 17 completed)
 - i. DELETIONS OF INVENTOR(S) Signed statement attached deleting
inventor(s) named in the prior application, see 37 CFR 1.63(d)(2)
and 1.33(b).
 - c. Unsigned.
6. Application Data Sheet. (37 CFR 1.76)
7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statement verifying identity of above copies

FEE TRANSMITTAL FOR FY 2001**TOTAL AMOUNT OF PAYMENT (\$)** 1276.00**Complete if Known:**Application No. Not yet assignedFiling Date Not yet assignedFirst Named Inventor Xiaodong Li, et al.Group Art Unit Not yet assignedExaminer Name Not yet assignedAttorney Docket No. 005158.P007X**METHOD OF PAYMENT** (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666
 Deposit Account Name Blakely, Sokoloff, Taylor & Zafman LLP

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed: Check
 Credit Card
 Money Order
 Other

FEE CALCULATION**1. BASIC FILING FEE**

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
Fee	Fee	Fee	Fee
Code	(\$)	Code	(\$)
101	710	201	355
106	320	206	160
107	490	207	245
108	710	208	355
114	150	214	75
		Utility application filing fee	<u>710.00</u>
		Design application filing fee	<u> </u>
		Plant filing fee	<u> </u>
		Reissue filing fee	<u> </u>
		Provisional application filing fee	<u> </u>
SUBTOTAL (1)			\$ 710.00

2. EXTRA CLAIM FEES

	<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fee Paid</u>
Total Claims	<u>47</u>	<u>- 20** = 27</u>	<u>X 18.00 = 486.00</u>
Independent Claims	<u>4</u>	<u>- 3** = 1</u>	<u>X 80.00 = 80.00</u>
Multiple Dependent			<u>=</u>

**Or number previously paid, if greater; For Reissues, see below.

Large Entity Small Entity

<u>Fee</u>	<u>Fee</u>	<u>Fee</u>	<u>Fee</u>	<u>Fee Description</u>
Code	(\$)	Code	(\$)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 566.00

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>		
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	_____
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	_____
139	130	139	130	Non-English specification	_____
147	2,520	147	2,520	For filing a request for ex parte reexamination	_____
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	_____
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	_____
115	110	215	55	Extension for reply within first month	_____
116	390	216	195	Extension for reply within second month	_____
117	890	217	445	Extension for reply within third month	_____
118	1,390	218	695	Extension for reply within fourth month	_____
128	1,890	228	945	Extension for reply within fifth month	_____
119	310	219	155	Notice of Appeal	_____
120	310	220	155	Filing a brief in support of an appeal	_____
121	270	221	135	Request for oral hearing	_____
138	1,510	138	1,510	Petition to institute a public use proceeding	_____
140	110	240	55	Petition to revive – unavoidable	_____
141	1,240	241	620	Petition to revive - unintentional	_____
142	1,240	242	620	Utility issue fee (or reissue)	_____
143	440	243	220	Design issue fee	_____
144	600	244	300	Plant issue fee	_____
122	130	122	130	Petitions to the Commissioner	_____
123	50	123	50	Processing fee under 37 CFR 1.17(q)	_____
126	180	126	180	Submission of Information Disclosure Stmt	_____
581	40	581	40	Recording each patent assignment per property (times number of properties)	_____
146	710	246	355	For filing a submission after final rejection (see 37 CFR 1.129(a))	_____
149	710	249	355	For each additional invention to be examined (see 37 CFR 1.129(b))	_____
179	710	279	355	Request for Continued Examination (RCE)	_____
169	900	169	900	Request for expedited examination of a design application	_____
195	300	195	300	Publication fee for early, voluntary, or normal publication	_____
196	300	196	300	Publication fee for republication	_____
194	130	194	130	Request for voluntary publication or republication	_____
098	130	098	130	Processing fee under 37 CFR 1.17(i)	_____
091	1,240	091	1,240	Acceptance of unintentionally delayed claim for priority	_____

Other fee (specify) _____

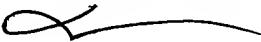
Other fee (specify) _____

SUBTOTAL (3) \$ 0

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Michael J. Mallie

Signature:  Date: April 17, 2001

Reg. Number: 36,591 Telephone Number: 408-720-8300

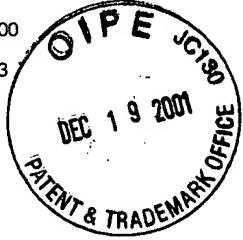
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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13 December 2001

Assistant Commissioner for Patents
US Patent and Trademark Office
Washington, D.C. 20231
Box PG Pub

RECEIVED
Via Express Mail
DEC 19 2001
Office of Patent Publication
Director's Office

Re: USSN: 09/837,701 Filed: 17 April 2001
 Applicant: LI, Xiaodong
 Title: MULTI-CARRIER COMMUNICATIONS WITH ADAPTIVE
 CLUSTER CONFIGURATION AND SWITCHING
Transmittal of Request to Rescind Previous Request
Under 35 USC 122(b)(2)(B)(ii)
 Our File No.: 005158.P007X

Dear Sirs:

We have filed the above-identified application under the Patent Cooperation Treaty (PCT). A Request and Certification under 35 USC 122(b)(2)(B)(i) has been submitted for this invention, we herewith submit a Request to Rescind Previous Nonpublication Request under 35 USC 122(b)(2)(B)(ii).

Respectfully submitted,

Blakely, Sokoloff, Taylor & Zafman LLP

Michael J. Mallie
Reg. No. 36,591

MJM/jls
Enclosure

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Label # EL470490307US in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, Box PG Pub.

Jenni J. Stewart 12-13-01
 Signature Date

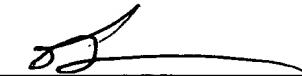
REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)

First Named Inventor Xiaodong Li, et al
Title MULTI-CARRIER COMMUNICATIONS WITH ADAPTIVE CLUSTER CONFIGURATION AND SWITCHING
Attorney Docket No. 005158.P007X

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

April 17, 2001

Date



Signature

Michael J. Mallie

Typed or Printed Name

36,591

Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Send to: Assistant Commissioner for Patents, Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE OF MAILING

"Express Mail" mailing label number: EL371006821US

Date of Deposit: 4/17/01

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231

Mara E. Brown
(Typed or printed name of person mailing paper or fee)

Mara E. Brown
(Signature of person mailing paper or fee)

4/17/01
(Date signed)

Serial/Patent No.: *** Filing/Issue Date: ***

Client: Broadstorm Telecommunications

Title: MULTI-CARRIER COMMUNICATIONS WITH ADAPTIVE CLUSTER CONFIGURATION AND SWITCHING

BSTZ File No.: 005158.P007X Atty/Secty Initials: MJM/mzb

Date Mailed: 04/17/01 Docket Due Date: ***

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- Amendment/Response (pgs.) Express Mail No.: EL371006821XX Check No. 42241
 Appeal Brief (pgs.) (in triplicate) Month(s) Extension of Time US Amt: \$1276.00
 Application - Utility (pgs., with cover and abstract) Information Disclosure Statement & PTO 140 (pgs.) Check No. _____
 Application - Rule 1.53(b) Continuation (pgs.) Issue Fee Transmittal Amt: _____
 Application - Rule 1.53(b) Divisional (pgs.) Notice of Appeal _____
 Application - Rule 1.53(b) CIP (62 pgs.) Petition for Extension of Time _____
 Application - Rule 1.53(d) CPA Transmittal (pgs.) Petition for _____
 Application - Design (pgs.) Postcard _____
 Application - PCT (pgs.) Power of Attorney (pgs.)
 Application - Provisional (pgs.) Preliminary Amendment (pgs.)
 Assignment and Cover Sheet Reply Brief (pgs.)
 Certificate of Mailing Response to Notice of Missing Parts
 Declaration & POA (5 pgs.) unsigned Small Entity Declaration for Indep. Inventor/Small Business
 Disclosure Docs & Orig & Copy of Inventor Signed Letter (pgs.) Transmittal Letter, XX Fee Transmittal, in duplicate
 Drawings: 7 # of sheets includes 14 figures

Other: Request and Certification.